

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services - Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada- Departmental Proceedings under Rule 9 of A.P. Revised Pension Rules, 1980 - Articles of Charges - Issued.

HEALTH, MEDICAL AND FAMILY WELFARE (VC.1) DEPARTMENT

G.O.Rt.No.200

Dated:18-03-2020

Read:-

G.O.Ms.No.40, HM&FW (VC1) Deptt, Dated:18-03-2020.

XXXX

ORDER:-

In pursuance of the sanction accorded by the Government under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of the AP Revised Pension Rules, 1980 for instituting departmental proceedings against Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o. Commissioner of Health & Family Welfare, A.P., Vijayawada vide G.O.Ms.No.40, HM&FW(VC1) Deptt, Dt:18-3-2020 it is proposed to hold an inquiry against the said Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o. Commissioner of Health & Family Welfare, A.P., Vijayawada in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (CC&A) Rules, 1991. The enquiry shall be conducted by Government, Health Medical & Family Welfare, A.P at Velagapudi.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A Statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of witnesses by whom, and a list of documents by which, the article of charge are proposed to be sustained are also enclosed. (Annexure III & IV).

3. Dr.J.V.V.R.K.Prasad, Joint Director (P.S) O/o. Commissioner of Health & Family Welfare, A.P., Vijayawada (retired), is directed to submit within 10 days of the Memorandum a Written Statement of his Defence and also to state whether he desires to be heard in person.

4. He is informed that an enquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Dr.J.V.V.R.K.Prasad, Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada (retired), is further informed that if he does not submit his Written Statement of Defence on or before the date specified in para-3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 20 of the APCS (CCA) Rules, 1991, or the orders / directions issued in pursuance of the said rules, the Inquiring authority may hold the Inquiry against him exparte.

6. The receipt of this G.O. may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.K.S.JAWAHAR REDDY

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Dr.J.V.V.R.K.Prasad, Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada (Now retired), through the Director of Health & Family Welfare,A.P., Vijayawada.

The Director of Health & Family Welfare,A.P., Vijayawada.(With a request a serve and return served copy to Government.)

Copy to

The Director General, Vigilance & Enforcement Department , Pandit Nehru Bus Station, 2nd Floor, Krishnalanka, AP, Vijayawada -520001.

The OSD to Deputy CM (HFW&ME)

The APVC.

The File.

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE –I

(Annexure to G.O.Rt.No.200, HM&FW(VC.1) Dept.dt:18-03-2020)

ARTICLE OF CHARGES FRAMED AGAINST Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada

Charge-I :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada has not identified the fake doctor & unauthorized hospitals and scanning machinery at Veldurthy Town, Kurnool District .

Charge-II :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada has not identified the fake doctor in Omni Hospital, BudawarPeta, Kurnool & Amma Hospital, Madhav Nagar, Kurnool.

Charge-III :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada has not identified the unauthorized scanning machine in Amma Hospital, Madhav Nagar, Kurnool.

Charge-IV :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada for his gross negligence in discharging his legitimate duties to enforce A.P. Allopathic Private Medical Care Establishments Act, 2002 and PC&PNDT Act, 1994.

Thus, Dr.J.V.V.R.K.Prasad, by his above mentioned acts has exhibited lack of supervision, lack of integrity, lack of devotion to duty, conduct unbecoming of a Government servant and thereby contravened Rule 3(1) & (2) of AP Civil Services (Conduct) Rules, 1964.

**Dr.K.S.JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

SECTION OFFICER

ANNEXURE –II

(Annexure to G.O.Rt.No.200, HM&FW(VC.1) Dept.,dt:18-03-2020)

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES FRAMED AGAINST Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada.

Charge-I :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada has not identified the fake doctor & unauthorized hospitals and scanning machinery at Veldurthy Town, Kurnool District .

Charge-II :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada has not identified the fake doctor in Omni Hospital, BudawarPeta, Kurnool & Amma Hospital, Madhav Nagar, Kurnool.

Charge-III :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada has not identified the unauthorized scanning machine in Amma Hospital, Madhav Nagar, Kurnool.

Charge-IV :

That Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada for his gross negligence in discharging his legitimate duties to enforce A.P. Allopathic Private Medical Care Establishments Act, 2002 and PC&PNDT Act, 1994.

FACTS AND EVIDENCE:

The Director General, Vigilance & Enforcement, AP, Vijayawada vide Vigilance Report No.78, dated:24.09.2019 has informed that on credible information that an unqualified person is posing as doctor and rendering treatment to the patients by establishing unauthorized hospitals in Veldurthy and Kurnool, the Vigilance & Enforcement officials conducted surprise raids on 19.11.2018 and 26.11.2018 at Sree Lakshmi Venkateswara Clinic, Veldurthy and Amma Hospital Kurnool respectively and conducted enquiry .

Findings of V&E Dept.

Sree Lakshmi Venkateswara Clinic, Old Bus Stand, Veldurthy:

1. M/s. Sree Lakshmi Venkateswara Clinic was established by Smt. M. Mangamma alias M. Manjula Reddy at Veldurthy town and mandal in Kurnool district, without obtaining authorized registration from the DM&HO, Kurnool.
2. M. Mangamma alias M. Manjula Reddy owner of the hospital and herself posing as doctor by rendering allopathic treatments to patients as qualified doctor. She printed as M.D. But she is not having the said qualification also. She completed BAMS only.
3. M. Mangamma alias M. Manjula Reddy studied BAMS in S.V. Ayur College, Tirupathi in the year 2008, which was renewed upto 27-07-2014. Further she has not renewed her registration also.
4. There are no qualified doctors available in the hospital to treat the patients at the time of inspection. Dr. M. Mangamma alias M. Manjula Reddy is examining the patients and doing scanning to the patients. Her staff are administering saline bottles and doing diagnosis tests in the lab under the direction of M. Mangamma alias M. Manjula Reddy.

5. One scanning machine is available in the clinic which is under working condition.
6. One medical store on the name of M/s. Sri Lakshmi Venkateswara was running at M/ s. Sree Lakshmi Venkateswara Clinic by taking permission from drugs & cosmetics department officials.
7. DM&HO, Kurnool along with V&E officials, Revenue officials seized the scanning machine and entire medical equipments in the clinic for violation of A.P. Allopathic Medical Care Establishments Act and PC & PNDT Act and filed Criminal case in Veldurthy Police Station U/s.420 & Sec.23,25,28,6,7,8,9 PNDT Act vide Cr.No. 187/2018, dt:19.11.2018.

Amma Hospital, Madhava Nagar, Kurnool:

1. The hospital management of Omni Hospital & Amma hospital was appointed unqualified person as a duty doctor / causality doctor without verifying his qualification related documents.
2. Mr. A. Bharath Kumar is himself posing as doctor by rendering allopathic treatments to patients as qualified doctor in Omni Hospital, Budhawarapet, Kurnool & Amma Hospital, Madhava Nagar, Kurnool.
3. Mr. A. Bharath Kumar has studied upto intermediate only.
4. In Amma Hospital one scanning machine is run (using) is run (using) without obtaining permission. Earlier, the hospital availed scanning machine permission, which is also expired on 14-11-2018.
5. But that the scanning machine is also not available. Another scanning machine which is not registered by District registration authority is available in the Hospital.
6. Sri Poral Raghavendra, Hospital Manager, Omni Hospital & Revenue Partner in Amma Hospital and Dr. K. Sasivardhan Reddy, Clinical Cardiologist and one of the revenue partners in Amma Hospital appointed Sri A. Bharath Kumar, an unqualified person as a duty / causality doctor in Amma hospital without verifying documents.
7. The Addl. DM&HO, Kurnool along with V&E officials, Revenue officials seized the scanning machine and filed a criminal case in Kurnool III Town Police Station and a case was filed in Kurnool III Town P.S., Kurnool U/s. 419, 420 r/w. 34 IPC and Sec. 50 of A.P. Allopathic Private Medical Care Establishment Registration & Regulation Rules, 2017.

Version of Dr. J.V.V.R.K. Prasad, DM&HO, Kurnool

He submitted his version Hospital wise as follows:

Sri Lakshmi Venkateswara Clinic, Veldurthy:

He stated that during his tenure he has not conducted any raids / inspections earlier to V&E inspection on Sri Lakshmi Venkateswara Clinic, Veldurthy and also he stated that the clinic has not applied for any scanning centre registration. That's why it is not inspected by DM&HO, Kurnool.

Amma Hospital, Madhava Nagar, Kurnool:

He stated that he inspected "Omni Hosptial, Budhawara Peta, Kurnool" on 27-07-2016 and "Amma Hospital, Madhava Nagar, Kurnool on 26-11-2018 and also he stated that as per office records, the DM&HO has given permission for scanning centre with the machine bearing numbers (1) Surabhi Ethiroli Tiny 16 (2) Wipro GE 100 but the present using model no. Wipro GE Logiq V5 scanning machine, permission was not taken from DM&HO, Kurnool. Further the DM&HO, Kurnool stated that during their inspection the appointment of unqualified doctor was not noticed by them and all the doctors qualification and eligibility criteria were already verified of the above hospital by (DM&HO) them during the issue of the registration time based on copies enclosed by the hospital management (Annexure-15).

Rebuttal:

Statement of the Officer is not convincing, the DM&HO, Kurnool is working since 07-02-2018 in the district. As the Veldurthy town is situated only 30 KMs away from Kurnool beside NH 44. He has not conducted any inspections on unauthorized hospitals at Vedurthy and also not initiated any steps to arrest the unqualified allopathic doctors and unauthorized hospitals in the district till V&E

raids. Being DM&HO and District Registering Authority to Private hospitals he has not taken any action on Sri Lakshmi Venkateswara Clinic, Veldurthy.

Further, the DM&HO, Kurnool in his version stated that he conducted inspections at Omni Hospital, Kurnool & Amma Hospital, Kurnool on 27-07-2016 and 24-11-2018 respectively. But the DM&HO failed to notice that the unqualified person is rendering services in both hospitals i.e., Omni Hospital and Amma Hospital simultaneously from 2016. Further he has not identified unauthorized scanning machine in Amma Hospital. Hence he has neglected in discharging his legitimate duties.

Hence, the allegation that, not identified the fake doctor & unauthorized hospitals and scanning machinery at Veldurthy, not identified the fake doctor in Omni Hospital, Kurnool & Amma Hospital, Kurnool, not identified the unauthorized scanning machine in Amma Hospital and gross negligence in discharging his legitimate duties to enforce A.P. Allopathic Private Medical Care Establishments Act, 2002 and PC&PNDT Act, 1994 stands Substantiated.

Thus, the Government Servant Dr.J.V.V.R.K.Prasad, formerly DM&HO, Kurnool and retired as Joint Director (P.S) O/o Commissioner of Health & Family Welfare, A.P., Vijayawada by his above mentioned act has exhibited lack of supervision, lack of integrity, lack of devotion to duty and conduct, unbecoming of Government Servant and thereby violated Rule 3(1) & (2) of AP Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular Departmental Action, for Major penalty.

Dr.K.S.JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

SECTION OFFICER

ANNEXURE –III

(Annexure to G.O.Rt.No.200, HM&FW(VC.1) Dept.,dt:18-03-2020)

LIST OF WITNESSES

-NIL-

**Dr.K.S.JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

SECTION OFFICER

ANNEXURE –IV

(Annexure to G.O.Rt.No.200, HM&FW(VC.1) Dept.,dt:18-03-2020)

LIST OF RECORDS/DOCUMENTS

From the Director General, Vigilance & Enforcement,
AP,Vijayawada, Vigilance Report No.78 (C.No.7445/
V&E/D2/2018), dt.24.09.2019

**Dr.K.S.JAWAHAR REDDY
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

SECTION OFFICER